

**In the United States Court of Federal Claims**  
**OFFICE OF SPECIAL MASTERS**  
**No. 23-1165V**

RODNEY K. HOLLIS,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: July 17, 2024

*Scott B. Taylor, Urban & Taylor, S.C., Milwaukee, WI, for Petitioner.*

*Neil Bhargava, U.S. Department of Justice, Washington, DC, for Respondent.*

**DECISION AWARDING DAMAGES**<sup>1</sup>

On July 27, 2023, Rodney K. Hollis filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that he suffered a Table shoulder injury related to vaccine administration (“SIRVA”), as the result of an influenza (“flu”) vaccination he received on April 6, 2022. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On May 13, 2024, a ruling on entitlement was issued finding Petitioner entitled to compensation. On July 17, 2024, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$82,500.00, in pain and suffering and \$411.13 in satisfaction of a Wisconsin Department of Health Services Medicaid lien. Proffer at 2. In the Proffer, Respondent represented that Petitioner agrees with the proffered award. *Id.* Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

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<sup>1</sup> Because this Decision contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims’ website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

Pursuant to the terms stated in the attached Proffer, I award Petitioner a lump the following:

- a. A lump sum payment of \$82,500.00, in the form of a check payable to petitioner; and
- b. A lump sum payment of \$411.13, representing compensation for the satisfaction of the Wisconsin Department of Health Services Medicaid lien, in the form of a check payable jointly to petitioner and:

**Wisconsin Casualty Recovery  
5615 High Point Drive, Suite 100  
Irving, TX 75038-9984**

Petitioner agrees to endorse the check to the above payee for satisfaction of the Medicaid lien. These amounts represent compensation for all damages that would be available under Section 15(a).

The Clerk of Court is directed to enter judgment in accordance with this decision.<sup>3</sup>

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**  
Brian H. Corcoran  
Chief Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF SPECIAL MASTERS**

RODNEY K. HOLLIS,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

No. 23-1165V (ECF)  
Chief Special Master Corcoran

**RESPONDENT’S PROFFER ON AWARD OF COMPENSATION**

On July 27, 2023, Rodney K. Hollis (“petitioner”) filed a petition for compensation under the National Childhood Vaccine Injury Act of 1986, as amended (“the Vaccine Act” or “the Act”), 42 U.S.C. §§ 300aa-1 to -34, alleging that he suffered a Shoulder Injury Related to Vaccine Administration (“SIRVA”), as defined in the Vaccine Injury Table, following administration of an influenza vaccine that he received on April 6, 2022. ECF No. 1 at 1. On May 10, 2024, respondent filed a Rule 4(c) Report, recommending that compensation be awarded. ECF No. 17. On May 13, 2024, Chief Special Master Corcoran issued a Ruling on Entitlement, agreeing with respondent that petitioner’s claim meets the Table criteria for SIRVA. ECF No. 18.

**I. Items of Compensation**

a. Pain and Suffering

Respondent proffers that petitioner should be awarded **\$82,500.00** in pain and suffering. *See* 42 U.S.C. § 300aa-15(a)(4). Petitioner agrees.

b. Medicaid Lien

Respondent proffers that petitioner should be awarded funds to satisfy the State of Wisconsin, Department of Health Services, Medicaid lien in the amount of **\$411.13**, which represents full satisfaction of any right of subrogation, assignment, claim, lien, or cause of action the Wisconsin Department of Health Services may have against any individual as a result of any Medicaid payments the Wisconsin Department of Health Services has made to or on behalf of petitioner from the date of his eligibility for benefits through the date of judgment in this case as a result of his vaccine-related injury suffered on or about April 6, 2022 under Title XIX of the Social Security Act.

These amounts represent all elements of compensation to which petitioner is entitled under 42 U.S.C. §300aa-15(a). Petitioner agrees.

**II. Form of the Award**

Petitioner is a competent adult. Evidence of guardianship is not required in this case. Respondent recommends that the compensation provided to petitioner should be made through two lump sum payments as described below and requests that the Chief Special Master's decision and the Court's judgment award the following:<sup>1</sup>

- a. A lump sum payment of **\$82,500.00**, in the form of a check payable to petitioner; and
- b. A lump sum payment of **\$411.13**, representing compensation for the satisfaction of the Wisconsin Department of Health Services Medicaid lien, in the form of a check payable jointly to petitioner and:

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<sup>1</sup> Should petitioner die prior to entry of judgment, the parties reserve the right to move the Court for appropriate relief. In particular, respondent would oppose any award for future lost earnings and future pain and suffering.

Petitioner agrees to endorse the check to the above payee for satisfaction of the Medicaid lien.

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

C. SALVATORE D’ALESSIO  
Director  
Torts Branch, Civil Division

HEATHER L. PEARLMAN  
Deputy Director  
Torts Branch, Civil Division

JULIA M. COLLISON  
Assistant Director  
Torts Branch, Civil Division

/s/ Neil Bhargava  
NEIL BHARGAVA  
Trial Attorney  
Torts Branch, Civil Division  
U.S. Department of Justice  
P.O. Box 146  
Ben Franklin Station  
Washington, D.C. 20044-0146  
Tel: (202) 305-3989  
Email: [neil.bhargava@usdoj.gov](mailto:neil.bhargava@usdoj.gov)

Dated: July 17, 2024